

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 21,105
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU), denying her application for payment of any of their Medicare premiums under the Medicaid Program. The issue is whether the Department correctly calculated the petitioner's income in light of the pertinent regulations.

FINDINGS OF FACT

1. The petitioner lives with her husband and their nineteen-year-old son, who is a college student. In a September 2007 decision the Department determined that the petitioner and her husband receive Social Security benefits in the respective amounts of \$705.50 and \$896.50 per month, and that her husband receives a retirement check of \$405 a month, for a total of \$2,007. The Department determined that this income was above the program maximums to qualify for Medicaid payment of any of their Medicare premiums.

2. At a fair hearing held on October 31, 2007 the petitioner did not dispute the Department's income figures. She takes issue with the fact that under the regulations her and her husband's eligibility for Medicaid is determined based on a household of three persons, while their eligibility for Medicare premium payments is determined by the number of Medicare-eligible recipients in the household, which in the petitioner's case is two, the petitioner and her husband.

3. In determining the petitioner's and her husband's eligibility for Medicare premium payments the Department determined that the petitioner's income is in excess of the monthly maximum of \$1,541 for a household of two.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for some or all of an individual's Medicare premiums if certain criteria are met. M200.4. To qualify for any Medicare premium payment a non-working individual's income cannot exceed 135 percent of the federal poverty level, which is \$1,541 for a household of two persons per month. W.A.M. \$

M200.44, P-2420B(2). The regulations also specify that household size for this program is determined by the number of *Medicare* recipients in the household. §§ M200.4-200.44.

There is no dispute in this matter that the Department correctly calculated the petitioner's countable income and found that this income exceeds the program maximum. Thus, the Department was correct in denying eligibility for Medicaid payment of the petitioner's and her husband's Medicare premiums. As a result, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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